

REMARKS

Claims 1-23 are currently pending in the application. Claims 20, 21 and 23 are withdrawn from consideration. No new matters were added.

Claim 17 is cancelled.

REJECTIONS UNDER 35 U.S.C. 103(a)

Claims 1, 16, 18, 19 and 22 are improperly rejected as being unpatentable over Sanoff et al. (Sanoff, Alvin P.; Glastris, Kukula, The Consulting game: Schools turn to outside help to target and select students." US News & World Report, v119, n11, p119(4), September 18, 1995) in view of Schillewaert et al. (Schillewaert, Niels; Langerak, Fred; Duhamel, Tim, "Non-probability sampling for WWW surveys: a comparison of methods." Journal of the Market Research Society, October 1998.).

The Office acknowledges that "Sanoff fails to expressly disclose... (e) preparing a mailing package for each candidate which includes an incentive to respond and a unique user name and password for accessing the survey form by the internet."

The Office improperly attempts to use Schillewaert to provide this deficiency. However, NOWHERE does Schillewaert disclose a unique user name and password for accessing the survey form. Without a teaching of all the limitation between the combined references, the rejection is improper. Furthermore, Schillewaert does not know the respondents and thus could not provide them with a unique password and ID.

In addition, Schillewaert does not disclose including an incentive to respond to the survey as required in the Claims. Schillewaert specifically discloses an incentive to provide a name after the survey has been completed and thus the disclosure cannot be read as an incentive to respond to the survey. Schillewaert states:

“At the end of the questionnaire all participants were asked to identify themselves if they wanted to receive a summary of the study results and participate in a contest organized among respondents.” Page 5

Clearly the survey has been completed at such point and thus the incentive is not to responds but rather to provide an identity. The rejection is again improper for failing to teach this limitation.

Claim 1 cannot be unpatentable over Sanoff and Schillewaert, the references alone or in combination fail to teach the limitation of a unique user name and password and also fail to teach the limitation of an incentive to respond to the survey. The rejection is improper and must be withdrawn.

The rejection of Claim 16 also fails for similar reasons as identified above. In addition, Sanoff, as admitted by the Office, and Schillewaert fail to disclose the limitation of “a postage prepaid response card”, or an email that “includes the name of the institution”. The rejection is thus improper and must be withdrawn.

Claim 18 recites:

“In a method for determining the interest of candidates in attending a education institution, the improvement comprising the steps of electronically contacting the candidate to provide a hyperlink to an electronic survey customized with information previously obtained about the candidate”

The Office acknowledges that Sanoff does not disclose electronically contacting the candidate to provide a hyperlink to an electronic survey...”

Again the Office invents an new Obvious standard in which the actual elements are not present. Schillewaert does not disclose providing the user with a hyperlink. Schillewaert instead uses a hyperlink to recruit unknown respondents and thus in no manner could a survey be constructed with information previously obtained about the candidate.. Therefore, the rejection fails as the hyperlink limitation is not taught in either Sanoff nor Schillewaert. The rejection is improper and must be withdrawn.

Claim 22 recites *inter alia* “the step of using a predetermined metric to electronically convert a free form response to an electronic survey to an indication of interest.

The Office acknowledges that Sanoff fails to expressly disclose using a predetermined metric to electronically convert a free from response to an electronic survey to an indication of interest.

The Office then states the Schillewaert “discloses a method for surveying customers... and furthermore, a free form input was a well known form of data entry for survey to one of ordinary skill in the art. “ However, the Office has not provided nor does Schillewaert disclose a predetermine metric which turns a free form response to an electronic survey into an indication of interest as required by the claim. Simply entering a free form response into a survey as proposed by the Office does not meet the plain and clear reading of Claim 22.

Therefore, since Sanoff and Schillewaert, alone on in combination do not disclose, teach or suggest the predetermined metric producing an indication of interest based on a freeform response, the rejection is improper and must be withdrawn.

Claims 2-6 and 8-15 are improperly rejected as being unpatentable over Sanoff et al. (Sanoff, Alvin P.; Glastris, Kukula, The Consulting game: Schools turn to outside help to target and select students.” US News & World Report, v119, n11, p119(4), September 18, 1995) in view of Thomas (US 2002/0002482 A1).

The Office Acknowledges that Sanoff fails to “disclose ...(e) e-mailing each candidate from a named individual at an e-mail address which includes the name of the institution.”

The Office improperly uses Thomas in an attempt to correct the deficiency, however, NOWHERE does Thomas disclose the sending of an email from a named individual at email

address which includes the institutions name to each candidate. Therefore, the rejection is improper and must be withdrawn.

Likewise claims 3-6, 8-15 depend from claim 2 and thus their rejections are improper for the same reason irrespective of the additional subject matter recited therein.

Claim 7 is improperly rejected as being unpatentable over Sanoff et al and Thomas in view of De Rafael et al.

Claim 7 ultimately depends from Claim 2, the addition of De Rafael does nothing to obviate the deficiencies of Sanoff and Thomas with respect to Claim 2 as discussed previously and thus the rejection is equally improper.

CONCLUSION

The Examiner has fail to provide a *prima facie* case of obviousness. Each element recited in the claims have not been met by the references alone or in combination. The Applicants request withdrawal of the rejections, and if the rejections are maintained an element by element accounting of the claim terms in the cited art.

If the Examiner has any questions relating to this response or the application in general she is respectfully requested to contact the undersigned so that prosecution may be expedited.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to **Deposit Account No. 04-1679**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark C. Comtois', written over a horizontal line.

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